"All that is needed for evil to prosper is for people of good will to do nothing"—Edmund Burke

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An article by Cynthia, a comment by Brian, a reply by Cynthia

Whistleblowing has never been more dangerous.

Cynthia Kardell

I'VE NO DOUBT the existing "internal" public interest disclosure or PID system is thought by many to be a practical, cost-effective way of handling those disclosures that are not sufficiently serious to warrant investigation by an independent external body like the new National Anti-Corruption Commission or NACC. But thirty years ago, that overly optimistic view of things effectively baked in some seriously flawed assumptions about both the employer and the whistleblower. The employer was cast as a selfless operator, one that could be trusted to put its own interests aside in every decision it made in relation to a whistleblower's PID. By contrast the whistleblower was cast as a rather unworthy individual, who was probably trying to get away with something, much in the same way as the social security laws do a Centrelink recipient.

That legacy lives on in all the PID acts including the decade-old Commonwealth laws. It's why, no matter how much we tinker around the edges and tinker we do, the results have been devastating for the whistleblower and the wider public, who were misled into thinking that the employer could be relied upon to "do the right thing." They can't. It's been an abject failure for a very long time.

An "internal" PID system will only work, if the person who decides whether to investigate a whistleblower's claim is legally and financially independent of their employer, in the same way as the new NACC is independent of anyone identified by a PID as the accused. That's not what we've got.

You might think I'm being extreme and that most employers can be trusted to "do the right thing." If so, I'd say you're clinging to what you want to believe or you're avoiding what you already know, which is why I want you to cast your mind back over four very political prosecutions.

Four very political prosecutions

In 2018 the government publicly abandoned any commitment it may have had to protect whistleblowers when it had criminal charges laid against Witness K, his lawyer Bernard Collaery, David McBride and Richard Boyle. Witness K was charged for getting behind Timor Leste's claim in the International Court of Justice that Australia had spied on its elected officials during treaty negotiations in 2004. Bernard Collaery, his legal representative, was charged for supporting his client. David McBride was charged for bringing video evidence of possible war crimes committed in Afghanistan to public attention on the national broadcaster. And Richard Boyle was charged for doing much the same, in support of his claims the Australian Taxation Office had knowingly committed fraud. That is, for forcing their employer's hand.

There does not appear to be any real dispute as to the truth of their claims. Timor Leste has been very open with what it knows. The "Brereton" report supports McBride's claim, and a Senate inquiry achieved the same thing in relation to Boyle's claims. So, what was at stake is what's always at stake when the employer is caught breaking every rule to make sure a whistleblower's claim never sees the light of day. And the government knew that others knew what had gone on behind closed doors. It's why it made sure that that evidence and the information that was already in the hands of the public couldn't be tendered as evidence in a court. Or if it was, then only behind closed doors with those present sworn to secrecy — we're told — to protect "our" national security.

This is heady stuff for those in the inner circle who love to keep the nation's secrets. It's why the national security intelligence (NSI) laws have proved so useful. Even the doubters won't break ranks when they know they could go the same way as Witness K if they did. Imagine it. As an insider, you're uneasy, sensing the government is taking us all for a ride. You might even know some of what went on, but either way, you help slam the door shut on those pesky whistleblowers, knowing your secrets will be tucked away with all the others, if the four men can be coerced into taking the fall for you all.

How neat is that for a government wanting to protect its security from us?

"They said the laws work!"

In this, the two "majors" would have been as one.

The court of public opinion was strongly against the Coalition by the time Labor took office in May 2022. I think they had underestimated Bernard Collaery's capacity to fight the limitations imposed by the National Security Intelligence (NSI) laws, and he'd had some wins. It had become clear the government, to secure his conviction, would have to admit in court Australia had spied on Timor Leste. Publicly, it had not done so. It planned to continue to "neither confirm nor deny" the claim with the court's backing, using the mechanism it had developed under the NSI laws. Justice Mossop explained how it would've worked, in June 2020. It's one of the thorny issues that remains unresolved, because the government seems to have decided it was better to discontinue the proceedings against Bernard Collaery than press on with an appeal and risk the courts overturning the NSI laws.

Labor's attorney-general, Mark Dreyfus, did not take us into his confidence. You would have needed to read the court judgments to know. Instead, he chose to say simply that it was no longer in the national interest to continue the prosecution, and in that we were as one, but it turns out for very different reasons. It's just another example of how willing our governments are to

con us, and we're silly enough to let them get away with it.

Mark Dreyfus justified continuing the McBride and Boyle prosecutions by revealing that the Commonwealth Director of Public Prosecutions (CDPP) had acted independently of the (then) attorney-general, Christian Porter, in deciding to bring the two cases. In my view he played on our biases to make a false virtue out of him giving the CDPP a free rein. That decision may come back to bite him if Justice Kudelka's decision in the Boyle matter is upheld on appeal. Why? Because Kudelka J adopted the CDPP's submissions, which effectively trash the existing whistleblower protections.

If Boyle loses, he will face a criminal trial later this year to keep the reputation of the Australian Taxation Office (ATO) intact. Never mind that being found criminally guilty of say, disclosing classified information, will say nothing at all about whether Boyle's PID was correct. This is why whistleblowers should be able to run that case simultaneously, to have the ATO's claim struck down for bad faith.

Why is this relevant here? If you need to ask, you're not really listening. This is what whistleblowers face every day one way or another in every jurisdiction across the nation. Because in this space the government, the ultimate employer, reigns supreme when it comes to deciding what not to investigate and who to punish for forcing them to openly take a position on it.

There's no one else in the room.

You see, whistleblowers get done over by their employers. There's no one else in the room. Just the whistleblower and their employer who is *impliedly and or directly and always vicariously liable* for the wrongs laid bare by that PID. In other words, the employer is only ever the accused, never the independent, selfless body it's been set up to be.

It's an obvious conflict that plays out every time a whistleblower has any dealings with their employer. I have been part of Whistleblowers Australia since 1994 and for all those years, I have listened to story after story about the many ways in which an employer can toy endlessly with a whistleblower's very reasonable expectations without falling foul of the law. The system provides for it.

The only way forward is to require a public sector entity by law to establish an "internal" investigative unit staffed by trained experts, who are both *financially and legally independent* of the employer in all the decisions they take in relation to the PIDs they receive. So that *when the* whistleblower drops in, they know they'll know why they're there without being asked, and that they can trust in the unit to operate independently of their employer in the same way as the NACC is intended to.

"They believed Dreyfus!"

The new PID units must remain independent of the host employer and be adequately funded. To that end, only an internal PID unit would be designated as a recipient of PIDs, and substantial financial and other penalties would apply to any employer and or representative found to have wrongly influenced and or interfered with any decision taken by the internal PID unit. I suggest another independent oversight mechanism to address the funding, as I'm sure many an employer would continue to try to leverage their influence and control both at the outset and over time.

There is an argument for having just the one large unit to serve the entire public sector, but I'm not advocating for that right now, given the urgency of getting this reform up and running. The units are already there in one form or other, so it would be feasible to build on what already exists. Plus, existing units have the advantage of proximity with ready access to people and things, and a focus that allows for some of the smaller issues to be investigated which is what would, in my view, start building integrity from the bottom up.

The existing top-down model has failed all of us, even the class entrusted with leading by example. Because time and time again they've condoned the fraud being rolled out as a way of doing business, by our governments, big banks, financial institutions, large accounting firms and public sector agencies. Self-interest has driven every one of those decisions because our laws have allowed for it. Imagine if what they'd spent on turning a blind eye and doing over the whistleblowers and others had been spent on say, giving Gonski a real go!

Peer-to-peer relationships

In my world, an external investigative authority like the NACC would not be able to continue to refer PIDs back to the employer or its representative for an opinion or for the employer to take over the investigation as a way of reducing duplication and its costs. They would be obliged by law to deal only with the new internal PID units and to treat the employer and its representatives as an accused in all their dealings.

This would be a very good thing as there have been far too many instances of an external authority treating the employer as its peer, to the whistleblower's detriment. It is a mutually coercive self-interest that undermines the process for all the wrong reasons. Remember too, that investigative authorities can't and shouldn't try to protect whistleblowers. We need a whole new agency to do that.

Making means gathering, collating, curating and following up.

Another thorny issue is what "making a disclosure" looks like on the ground and whether it bears any resemblance to what Justice Liesl Kudelka decided in dismissing Richard Boyle's civil application for protection last March.

In her judgment Kudelka J laid out how the PID laws have been designed to confine whistleblowers in what they can do if they are to make a successful claim for protection. Kudelka J set the bar pretty high in deciding that "making" a PID "is an important but confined role" and that it "does not support the concept of a public official holding on to information, whilst conducting their own investigation of that information in order to gather "evi-

dence" of disclosable conduct which then may, or may not, be disclosed."

In her world view you can't gather information and evidence over time and later work out why some of what you've gathered is, after all, surplus to 'making' the PID, without risking losing your protection. The idea is that your PID would be seen as "incomplete' because of what you held back, and your reasoning open to the suspicion that you had rigged the evidence for a particular result. Or that you were getting above yourself, by assuming the role of an investigator in making decisions about what was or was not relevant in your view.

If Kudelka J is right, it's clear the PID laws were designed to encourage only largely unsubstantiated beliefs, not well-prepared claims. Ironically, the claims that can be readily discarded as well-intentioned but unlikely to be true are those that lack supporting information. They are often thought not to warrant further reflection, other than by the risk prevention policy wonks.

If you were thinking that those in charge would be interested in doing more to root out wrongs, you'd be horribly disappointed. On Kudelka's reasoning, the PID laws have been developed to mollify the concerns of those less than compliant, with the added bonus of being able to sanction those who would persist. Like Richard Boyle. I'm guessing he initially thought his superiors would want to stop ATO officers unlawfully issuing dodgy garnishee notices, but he found out he was wrong, as they were apparently in on it.

Kudelka J has got it terribly wrong. You can't require there to be reasonable grounds for making a PID without expecting the whistleblower to try to make a good fist of it and want the other side to do the same. That means gathering up the documents and other evidence you think you need for one reason or another and checking whether your beliefs stack up, before pulling it all together for submission. And then, persisting with the investigation in the face of a worrying lack of diligence from the other side. On Kudelka's reasoning, the PID system is meant to operate like a locked drop box, with no avenue for inquiry or to contribute further. If so, it's the Honest Government Policy that only Juice Media could do justice.

The legislation must be amended to define "making a PID" to include any reasonable action taken including to gather, collate and curate information, documents, and evidence in drafting, submitting, and ensuring that a PID claim is properly considered, investigated, and resolved openly to the public's satisfaction.

"They said to speak out!"

Whistleblower protection agency or WPA

I want to return to that vexed question of how to protect a whistleblower, and the PID system for that matter. I say look after one, and you've looked after the other and the public interest. The reforms I urged on the government are structural changes that would liberate whistleblowing in the public's best interests. But the question of who pays, when "doing the right thing' doesn't come easily, will remain either way. We need to recognize that as a given and build on a very good idea that has its origins in a federal report way back in 1993. Because we really do need a fiercely independent well-funded whistleblower protection agency to look out for whistleblowers, to intervene as necessary, to do the research, and to monitor the progress of PIDs and the operation of the PID "system" itself.

If a whistleblower protection agency becomes a reality without the reforms I urge here, the conflicts of interest that now bedevil the PID system will continue to make a whistleblower's protection conditional on their employer's integrity with the whistleblower inevitably caught in the crosshairs.

In the early 1990's when the first whistleblowing laws were enacted in response to the Queensland Fitzgerald inquiry and the NSW Wood Royal Commission, self-regulation may have been seen as all that was possible politically, but not anymore. Self-regulation has been allowed to fail everyone, and never more so than it has federally in the last decade where whistleblowing has never been more dangerous.

Cynthia Kardell is president of Whistleblowers Australia. This article is in large part drawn from a submission to the federal "Stage 2 public sector whistleblowing reforms survey 2023."

Whistleblower protection: a continuing illusion

Brian Martin

Cynthia, in her article "Whistleblowing has never been more dangerous," makes devastating criticisms of Australia's whistleblower protection laws. She points to a fundamental flaw in the laws: they assume that the people running organisations can be trusted to handle disclosures that implicate the leaders of those organisations.

One of those organisations is the Australian federal government. Its leaders and officials can't be trusted to handle disclosures revealing that responsibility for corruption goes right to the top. This is dramatically shown by the government's prosecutions of Witness K, Bernard Collaery, David McBride and Richard Boyle. The hypocrisy of saying "Speak out, you're protected" while prosecuting those who do speak out has never been more striking.

Cynthia puts her hope in reforms to whistleblower laws, for example setting up a Whistleblower Protection Agency. Reforms would certainly be nice. Imagine exposing abuse and corruption, and being supported all the way by an independent authority.

Yes, it would be nice, but I don't think it will ever happen. Furthermore, there's a risk of putting too much effort into applying pressure on the government to reform the laws. The effort might be better spent in other ways.

The Australian political and economic system is built on entrenched inequality in power and wealth, and it's only to be expected that those at the top

will use any means possible to stay there. Why could we possibly imagine that they could be convinced to set up a system that could expose misdeeds at the top, and bring those implicated tumbling down?

This would mean that a single individual, an otherwise powerless worker or citizen, could speak truth to power — and win. It would be like a single dissident bringing down a tyrant. It has never happened this way. Repressive regimes are only toppled through mass resistance. Similarly, in places like Australia, the only thing that has a chance against entrenched corruption and unfairness that reaches the top is when lots of people demand change. And even then it may not happen.

In the US, where whistleblower protection laws have an even longer history than in Australia, whistleblowers continue to be persecuted and prosecuted. The US government is even claiming its prosecutorial reach extends internationally, to non-citizens. Just ask Julian Assange.

"They said to trust them!"

Imagine for a moment that a truly effective agency was set up, an agency that started exposing big-time malpractice. The pressure on such an agency would be immense. Funding might be cut, legal challenges mounted, and efforts made to nobble it, to convert it into a lapdog. That's what's happened to lots of watchdog agencies that become friendly with those they are supposed to regulate.

Rather than chase the mirage of genuine, effective whistleblower protection, I think it would be better to encourage development of skills in understanding organisations, collecting evidence, building support, leaking to journalists and action groups, and remaining on the job to collect more evidence. This would be a genuine threat to those at the top. Why do you think managers of organisations are so willing to set up whistleblower reporting systems, with all the formal procedures associated with them, and so seldom organise training for employees on how to detect corruption and expose problems without being identified?

We should learn from Cynthia. Don't trust Australia's whistleblower protection regime. Don't trust what those at the top say about their good intentions. Instead, look at what they are doing, and beware.

Brian Martin is vice president of Whistleblowers Australia and editor of *The Whistle*. The ideas here are developed at greater length in *Official Channels* (https://www.bmartin.cc/pubs/20oc/).

Illusory? Yes, and the laws have made that a certainty.

Cynthia Kardell

Brian says "Yes, it would be nice, but I don't think it will ever happen." He's right. It hasn't in thirty years, and it won't any time soon because the PID laws have made that a certainty, by giving employers the right not to investigate themselves. Like Janus, an employer's role is to work both sides of the aisle to control any whistleblower who takes its rhetoric at face value.

The external agencies like the new National Anti-Corruption Commission are required to work closely across that divide with employers as their peers, and for all the wrong reasons. It's a classic fraud, with whistleblower protection conditional on their employer's integrity.

Brian is right too, to argue whistleblowers should be looking at other ways to get the job done. Celebrated whistleblower Daniel Ellsberg stayed in his job and leaked with damning effect, helping force the USA out of Vietnam. Others team up with activist groups to give them the inside running on bringing down a government's lies. We need to look for other avenues, because the law has ensured that an employer, ultimately the government, retains control over what it doesn't want us to know.

The much-touted whistleblower protection agency or WPA looks like being a certainty, but it won't work for whistleblowers or the public while those conflicts of interest remain in law. It is unlikely to do more than offer the additional institutional support that the pundits say, whistleblowers still seem to need to stay out of trouble. It won't involve the strategic advice, as Brian puts it, "to bring those implicated tumbling down." No. This will be all about deterrence, with David McBride's case an enduring example of how not to do it. But I think the opposite may prove true.

McBride made internal complaints. They went nowhere. He says they were unfazed by his claims, as it was after all, war. He begged to differ, leaking information to the national broadcaster. The government had a moment of clarity about its own prospects and got behind the call for an investigation. Then Janus-like, it prosecuted him for forcing them to show their hand. Why? Because they could, and plausibly claim to be protecting those who did the right thing. Not like McBride.

McBride had no right to defend himself on the Attorney General's call, which is why he was forced to plead guilty. His fate will be determined largely on an assessment of the harm he's supposedly done to others, including to our national security interests. It's got me thinking about the nature of that harm. Was it the harm done by government in turning a blind eye? Or the harm done to reputations that were suddenly at risk of ridicule? And how much harm did the government do, when it accepted the Brereton report and set up the Office of the Special Investigator? There are just so many ways to look at that question. I'm left wondering why the government won't be acknowledging the good McBride did, even though they followed his lead? Now there's a question!

Brian, McBride still has them on the run. It's one reason why I'm calling it out. Yes, hope springs eternal, but as you say, we need to warn all those "wannabe" whistleblowers coming up behind him to see it for what it is and look outside the "system" for support.

Media watch

How to silence a whistleblower — a TTCB case study

Wired868, 10 March 2024

The following Letter to the Editor on the Trinidad and Tobago Cricket Board (TTCB) decision to fire treasurer and whistleblower Kiswah Chaitoo was submitted to Wired868 by Rajiv Hemant of Palmiste:

The recent events at the Trinidad and Tobago Cricket Board have taught me quite a few lessons which I can now share with the national community. It even inspired me to possibly write a book entitled, *How to Silence a Whistleblower – A TTCB Case Study.*

Here is a summarised version of the lessons learnt:

Identify the Whistleblower: Identifying the whistleblower is simple. They are usually someone who purports to possess some high moral or ethical standing (red flag number one). This person is usually chattering away about some fraud or mismanagement or misappropriation taking place.

It is usually good to ignore them—they typically run out of breath. However, when they go public that's when the whistleblower becomes a problem. They have no business telling the board or the police or the public about our business, even if $500,000 odd dollars may or may not be missing.

Ensure the country has no Whistleblower Protection Laws: You are in the clear in Trinidad and Tobago, as the Government attempted to pass such a law in 2019. The UNC opposition vehemently opposed it and the bill was killed, offering no protection to whistleblowers to date.

Silence the whistleblower: Now that you have established the whistleblower and the fact that they have no legal protection—you simply get the board to support firing this person. It's as simple as a majority decision and he is out.

Now you don't have to deal with him, constantly in your head reminding you about that missing or misappropriated money. Problem solved.

Of course, this was written in satire, but it points to a very serious problem at the TTCB and in our country as a whole.

A whistleblower in the form of its treasurer and a chartered accountant, Mr Kiswah Chaitoo, not only alerted the board on misappropriated money but informed the fraud squad. This was his duty, which he carried out courageously.

Last week, the board of the TTCB fired him for his actions, while the perpetrators may well be laughing all the way to the bank.

Kiswah Chaitoo

Whistleblower protection and whistleblower legislation is needed in this country at this time and the public needs to ask some serious questions to the Trinidad and Tobago Cricket Board.

As for me, I have lost all confidence in them.

Editor's Note: A release from the TTCB stated that "the motion of no confidence in the Treasurer of the TTCB was successfully carried because of his role in leaking the TTCB's internal affairs into the public domain, without the necessary approval.

"Both the alleged perpetrator and the Treasurer broke the rules and the conduct of both individuals has left us very saddened and disappointed."

The TTCB is led by Cricket West Indies vice-president Assim Bassarath.

Assim Bassarath

The death toll of whistleblowing must end now

Mary Inman, Amber Scorah and Jennifer Gibson

Newsweek, 14 March 2024

THE MOUNTING DEATH TOLL of Boeing's production issues and safety negligence rose by one on Saturday. Whistleblower John Barnett, who for years had been warning of quality and safety issues at Boeing died by an apparent self-inflicted gunshot wound.

Barnett has been described by many who knew him as a "brave, honest man of the highest integrity." This describes most whistleblowers. We know because we have worked with hundreds of them—people who have come forward about unsafe practices in workplaces, theft from public funds, and threats to public safety. We have seen brave and honest people fired, gagged by NDAs [non-disclosure agreements], isolated from former colleagues, harassed, their lives and careers left in ruins. And sometimes, they end up dead.

The cause is a system that completely ignores the individual cost of whistleblowing, even as we become

more dependent on the public service they perform. Corporations and billionaires are becoming more and more adept at hiding their nefarious doings while government regulations lag. Too often, only the insider can flag a problem that will cause real-world harm—like a plane crash. Yet, we leave these individuals to face down the powerful on their own, navigating a minefield of legal and personal risk.

There is no masterclass in how to blow the whistle. Most people don't even know there are lawyers who can help, or government rewards for certain kinds of information. By contrast, as whistleblowers struggle to bring important information to light, the corporations know exactly what playbook to deploy. Whistleblower crisis management is engaged before the employee even knows what is happening.

This begs the question: Why does anyone, no matter how brave, want to take this path? They do so because they might know a product is harming our children (Frances Haugen's Facebook Files), or a car could blow up (Hyundai engine fires). As AI and technological advancements continue to advance at breakneck pace, these brave insiders risk everything to protect us. The critical question therefore is not why, but how do we better ensure the bad actors pay the price for a whistle blown—not the whistleblower?

We need, as a society, to protect the whistleblower on their journey. We've all heard of helplines for domestic abuse or child trafficking; there is no whistleblower helpline, except the "whistleblower hotlines" run by the HR departments of the very companies an employee is trying to expose. In our experience, no one is going to help you on that hotline.

Mr. Barnett's journey took seven years and it still wasn't over. During that time, he lost his career, his relationships, he was publicly gaslit and vilified. Seven years is a long time to endure such treatment, especially with little support. What if years ago, he called a helpline and resources were put in place, a plan of action created? Professionals who had years of experience to triage and guide him. Peer support. A therapist with expertise. We need whistleblower help to be as ubiquitous as domestic violence help—the seriousness of the mental health crisis is comparable, yet nothing of the sort exists.


John Barnett

As a society, we need to find the funding to make this possible. We need to make information about whistleblowing and support for it ubiquitous. We need attorneys for whistleblowers who do not have a case that will lead to monetary reward, but whose information is nonetheless important for making the public safer and to ensure powerful interests are held accountable.

Companies themselves must also change their playbook. In the whistleblowers cases we've seen, gaslighting and harassment were nearly universal. A 2018 study noted "although whistleblowers suffer reprisals, they are traumatized by the emotional manipulation many employers routinely use to discredit and punish employees who report misconduct." Another study found approximately 85 percent of whistleblowers "suffer from severe to very severe anxiety, depression … distrust … agoraphobia and/or sleeping problems." Research suggests 69 percent of whistleblowers suffered declining physical health, and 66 percent endure severe financial decline. This has to change, and if companies won't change, lawmakers need to step in and do it for them.

We need to create community around whistleblowing. Because work is such a central part of our lives, our friendships and social life often revolve around our workplace. Removed from that workplace, silenced with an NDA, and publicly vilified (and unable to defend yourself because of that NDA), the isolation can be crippling.

Whistleblowers should no longer have to walk this journey alone. After having done one of the bravest things a person can do for the benefit of the public, the least we can do is make sure they are OK. Unfortunately, we cannot do that for Mr. Bennett. But in his honor, let's change what it means to be a whistleblower—and make sure that the next brave person comes out on the other side financially intact, mentally supported … and alive.

Mary Inman is partner at Constantine Cannon, a law firm that represents whistleblowers. Amber Scorah is founder of Parallel Story, a nonprofit helping whistleblowers tell their stories. Jennifer Gibson is legal director of The Signals Network, a nonprofit supporting whistleblowers who disclose public interest information.

Whistleblowers are essential to democracy

Bart Cammaerts
LSE Blogs, 21 February 2024

Following 12 years of persecution, the founder of WikiLeaks Julian Assange is at risk of being extradited from the UK to the US, where he faces 17 charges of espionage. If found guilty, that would equate to life imprisonment. But, Bart Cammaerts argues, whistleblowers perform a vital role in democracies, exposing corruption, abuse of power, and even crimes committed by governments. Cases like Assange's create a chilling effect and set a dangerous precedent.

JULIAN ASSANGE, the founder of the whistleblower-site WikiLeaks, was arrested and locked up in a UK prison from the moment he was evicted from the Ecuadorian Embassy in London where he was granted political asylum and stayed from 2012 till 2019. His lawyers are now in the High Court seeking the right to appeal a decision by

the Home Secretary (Priti Patel MP at the time) to extradite Assange to the US where he is facing 17 charges of espionage, carrying a potential total of 175 years of incarceration. They argue that Article 4 of the extradition treaty, which prohibits extradition for political reasons, applies to Assange. This article, Edward Fitzgerald KC stated, is "one of the most fundamental protections recognised in international and extradition law." But regardless of the current legal procedures and the substantive allegations that Assange faces, at the heart of the matter lies a question over the protections that democracies should afford to whistleblowers, even when their message is deeply damaging to the reputation of governments.

Nils Melzer

Assange has had his personal liberty severely curtailed for the last 12 years. This led Professor Nils Melzer, a Swiss academic and the United Nations special rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, who visited Assange in prison, to conclude in 2019, that "in addition to physical ailments, Mr Assange showed all symptoms typical for prolonged exposure to psychological torture, including extreme stress, chronic anxiety and intense psychological trauma." He added that in his 20 years of professional experience in the context of war and political persecution, he had "never seen a group of democratic States ganging up to deliberately isolate, demonise and abuse a single individual for such a long time and with so little regard for human dignity and the rule of law." Although Melzer was criticised for minimizing the allegations of sexual assault (the investigation into these was dropped by Swedish prosecutors in 2019), it remains a damning conclusion.

The kinds of civil society organisations that support Assange show that what's at stake here is a clear democratic principle of protection of journalists and of journalistic practices.

Assange is, of course, a problematic character, as the Swedish allegations show, as well as accounts by insiders such as Daniel Domscheit-Berg, Guardian journalists who worked with him such as David Leigh and Luke Harding, but also those who once supported him like Jemima Khan. But that in itself hardly warrants the harsh treatment that has been dished out to Assange. Nor does helping to expose misconduct, war crimes and corruption by states and politicians warrant legal persecution. This is a view shared by, amongst others, Reporters Without Borders, PEN International, the UK's National Union of Journalists, Amnesty International and Human Rights Watch who have all condemned his treatment and imprisonment and demanded for the charges to be dropped. For all intents and purposes, Julian Assange is Europe's most high-profile political prisoner.

Whistleblowing is an essential and important right in a democracy, even legally protected in some countries.

The kinds of civil society organisations that support Assange show that what's at stake here is a clear democratic principle of protection of journalists and of journalistic practices. WikiLeaks cooperated early on with mainstream media organisations and although that relationship was clearly at times contentious and bumpy, it does show the close and symbiotic relationship between whistleblowing, leaking and journalism's democratic task of holding power to account. In reaction to Wikileaks, BBC journalist John Humphries observed that the practice of leaking information is by no means new, but the scale of it is, propelled of course by the affordances of digitalisation and e-government:

"In the days when government business was all recorded on paper, leaks of documents were frequent enough but usually on a small scale […] in the new era of e-government — government by email […] huge quantities of secret government information can be leaked at the press of a button."

Chelsea Manning, a former US soldier turned whistle-blower, initially offered the Iraq and Afghan War logs to *The Washington Post* and *The New York Times*, who did not show an interest in them, so she turned to WikiLeaks instead. WikiLeaks subsequently served as the intermediary between the leaker the press had originally shunned and journalists (from *The Guardian*, *New York Times*, *Der Spiegel*, and *El País*). Manning was herself convicted by court-martial for violating the Espionage Act, but the journalists who published her stories were protected. So, if the journalists are not being prosecuted for reporting on and exposing the leaks, why should the same protection not apply to Assange, for in essence being a digital intermediary between leakers and mainstream media? Before joining up with mainstream media outlets, WikiLeaks also published leaks on its platform and thereby fulfilled itself a journalistic role through disclosing the information (often in a redacted manner!) that was sent to it; Assange himself coined this approach in 2010 as *scientific journalism*:

"Scientific journalism allows you to read a news story, then to click online to see the original document it is based on. That way you can judge for yourself: Is the story true? Did the journalist report it accurately?"

It is quite evident that the persecution of Julian Assange is political in nature; it is a typical example of the *shoot-the-messenger syndrome* which is very prevalent in whistleblower cases and has been amply documented by journalists, political scientists, and legal

scholars alike. It is an attempt to set an example in order to deter others from leaking and publishing secret and classified information in the future.

Whistleblowing is, however, an essential and important right in a democracy, even legally protected in some countries (in the UK by the Public Interest Disclosure Act of 1998). It comes with conditions, for sure, (for example it must relate to criminal offences, miscarriages of justice or covering up wrongdoing), but whistleblowing and the protection of this practice is also a democratic guarantee that misconduct, corruption, abuse of power and crimes by governments as well as corporate actors can be exposed, even when it concerns wars and national security (although whistleblowing legislation often does not apply to national security, cf. the Espionage Act in the US and the Official Secrets Act in the UK).

Cases like Assange, but also Chelsea Manning, demonstrate that this democratic right is exercised with a high personal risk, something that in turn has a chilling effect on others considering exercising this right. This is precisely why whistleblowers continue to be harassed, imprisoned and persecuted. The extradition of Julian Assange to the US would be a dangerous precedent for journalism and further curtail their democratic watchdog role.

Bart Cammaerts (pictured) is Professor of Politics and Communication and Head of the Department of Media and Communications at the London School of Economics.

Ministers slow to expose corruption

Des Houghton
Courier Mail, 24 February 2024

WHISTLEBLOWERS who attempt to reveal corruption in Queensland have effectively been silenced.

Despite the rise of powerful watchdog agencies like the Crime and Corruption Commission and the Ombudsman, your rights continued to be trampled.

The Palaszczuk-Miles government has left the Public Interest Disclosure regimen in ruins.

Whistleblowers who pointed out negligence or wrongdoing in the public service and government utilities have not been thanked; they have been persecuted. Hundreds of PIDs remain unresolved, with some I know containing allegations of official corruption.

Retired Supreme Court judge Alan Wilson KC reviewed PID laws in 2022 and made many recommendations to Attorney-General Yvette D'Ath, who this week announced she would not contest the next election. She described the review as "game-changing."

However, dithering D'Ath has not introduced a single recommendation from the Wilson review. Not one.

Yvette D'Ath

I'm told this is because the public service is pushing back. So are some government-owned corporations who challenge Right to Information requests and engage in delaying tactics by conducting pointless internal reviews into allegations of misconduct without making the findings public.

Fellow Queenslanders, I hate to be the bearer of bad news, but you are being treated like monkeys.

Your complaints against government departments are sent back for investigation to the very departments accused of integrity breaches in the first place.

The continuing lack of protection for whistleblowers rankles Greg McMahon from the Queensland Whistleblowers Action Group.

"Whistleblowers play a vital role in our democracy by maintaining the integrity and accountability of public and private institutions," he told me.

"Unfortunately, this high-energy effort by Mr Wilson to reform a low-energy PID Act has failed to address a major flaw with protections against reprisals that are scaring whistleblowers into silence and hindering efforts to expose corruption." McMahon's action group seeks a stand-alone integrity body answerable only to Parliament with powers to order the reopening of cases dismissed by the CCC and the Ombudsman. Hmmm. I think if the CCC and the Ombudsman were meeting their statutory obligations, such an integrity body would be superfluous.

To add to the integrity fog, we now have several directors-general and their highly paid deputy D-Gs and assistant D-Gs praising Labor Party policies daily on social media. Innocent enough, you may say, but to my mind this junks the ideals of independence enshrined in the public service codes of behaviour. In their reports to Parliament both Tony Fitzgerald and Peter Coaldrake warned of the dangers of a politicised public service, and the lack of accountability that inevitably follows.

Queensland Health especially does not like the media spotlight and last year proposed new laws to stop journalists writing about shortcomings in the hospital and health system. One executive went so far as to advocate criminal penalties against whistleblowers who tip off journalists about medical mistakes.

The proposed laws would have muzzled reporters and would have stopped a whistleblower exposing DNA testing bungles in the state government forensic science lab that saw rapists and murderers go free.

Health Minister Shannon Fentiman, meanwhile, has an army of spin doctors whose job is to find photo opportunities that show her in a good light and to counter the negative publicity around ambulance ramping, bed shortages and surgical waiting lists. Previous health ministers Steven Miles and Yvette

D'Ath also failed to deliver meaningful Health improvements.

Shannon Fentiman

And while positive achievements in Health should be applauded, I'm getting a little tired of Fentiman being photographed with patients, often children, who later appear on her social media feed, sometimes unnamed. In my opinion the children appear like props in a Labor Party political campaign. News editors are becoming cynical about these staged events. And who can blame them? They feed the perception in the media of an overwhelming desire by the Miles ministers to hide problems rather than fix them.

Despite all the regulators, crime watchdogs and ethical standards units promising accountability, Queensland has become renowned for failing to correct massive injustice to ordinary people.

Queensland Rail is having a rough time attempting to crush war hero Marcus Saltmarsh, who simply wants to build a block of units at Alderley in Brisbane for 11 disabled people and 22 others. He is resisting attempts by QR to make him pay for an upgrade to a level crossing across the road that fails to meet national safety standards and is listed as one of the five most dangerous crossings in Queensland. Saltmarsh claims he has been repeatedly misled by QR.

Last week, the indefatigable Saltmarsh won another round, receiving a case file number and a notification by the CCC that his complaints are being investigated.

Meanwhile, surgeon Shaun McCrystal is still waiting for the results of a CCC investigation into the mishandling of a PID he made concerning allegations of wrongdoing after he was fobbed-off by government departments and agencies who covered up his complaints — verified by independent experts ——that a neighbouring apartment block was being built too close to his Yeronga home and is a fire hazard.

Marcus Saltmarsh

The indefatigable McCrystal saga took a dramatic turn when former premier Annastacia Palaszczuk referred her own director-general to the CCC for allegedly being too slow to deal with his PID. In a letter to McCrystal before leaving office, Palaszczuk confirmed her director-general of the Department of the Premier and Cabinet, Rachel Hunter, had "summarily dismissed" his PID.

In her letter, Palaszczuk told McCrystal the material had in fact been "assessed as a public interest disclosure."

"As the allegation involves a failure to comply with the Public Interest Disclosure Act, it may amount to corrupt conduct, if proven," Palaszczuk wrote. "Therefore, I am providing the information to the Crime and Corruption Commission under Section 36 of the Crime and Corruption Act 2001 for appropriate consideration and action." How many others in high office have failed to comply with the Public Interest Disclosure Act that says whistleblowers must be kept abreast of investigations? Last week McCrystal wrote to CCC chair Bruce Barbour seeking a progress report.

In Townsville, Mark Agius exposed failures by the building regulator QBCC, after winning a six-year legal battle against a builder after he discovered his home was riddled with defects and not built to the proper cyclone safety standards.

Agius is yet to hear from the QBCC as to why it did not compel the builder to right the mistakes.

And he said a PID he made in 2021 remains unresolved. Agius was told in writing his case was referred for an external legal review, with the CCC to be the final arbiter in determining whether it should investigate allegations of wrongdoing or allow the QBCC to investigate itself.

The indefatigable Agius has heard nothing from the CCC or the QBCC about his PID. The CCC did not return calls.

In the age of unchecked billionaires and corporate bad behavior, everyday people have a million reasons to say something if they see something

Gordon Schnell and Amber Scorah
Fortune, 3 January 2024

WE'VE WORKED helping whistleblowers bring forward information about fraud and misconduct for many years. When we tell people what we do, most people think about a movie they've seen or a story they've read — Enron. Madoff. Big Tobacco. Dirty cops. Whistleblowing is high-stakes drama, so no wonder Hollywood has made these real-life stories into blockbuster entertainment.

One can be forgiven for getting the impression that a whistleblower is a mythical creature of sorts, a person predestined for the righteous cause. Truth is, that's usually not the case. We've worked with hundreds of whistleblowers over the years and they are just everyday people — so everyday, in fact, they could be you or me. This is important to know, because if we think of a whistleblower as "someone else," we might miss wrongdoing right under our nose that could lead to someone's death, rob us of our tax dollars, or lead to the next banking crisis or economic catastrophe.

Here are some examples of people with everyday jobs, like most of us, who became whistleblowers — saving lives, and in some cases, netting a lot of money in compensation for bravely doing what they did. All of these stories are true. None of these whistleblowers' stories were made into movies. There were no parades or fanfare. But they matter just as much, nonetheless. And

by understanding their stories, you just might see yourself in one of them.

No fanfares for whistleblowers

Everyday heroes

A laboratory technician at a medical clinic was just doing her job when she witnessed firsthand the clinic performing procedures by unqualified personnel, life-saving drugs being diluted, and patient records being doctored to conceal the clinic's fraud. This woman brought an action against the clinic and its owner under the *qui tam* provisions of the False Claims Act, which allows individuals to bring lawsuits in the name of the government against those committing fraud against the government. Medicare fraud is one of the most common areas of fraud the statute targets. As a result of her efforts, the physician who owned the clinic was sent to jail and the government recovered millions of dollars from the clinic. There is no doubt that lives were saved because of this lab technician. And as the False Claims Act provides, the whistleblower who originated the action received a hefty portion of the government's recovery.

A clinical trial specialist — again an everyday employee — watched his company manipulate the clinical trial results it reported to investors on a blockbuster aging drug it was developing. The company gave this false picture of the drug's potential efficacy and likelihood of FDA approval in order to artificially inflate the company's share price. This employee filed a complaint under the SEC Whistleblower Program — a safe and easy channel for individuals to confidentially report potential securities violations to the government. If the information leads to any kind of government recovery, he will receive a significant share of that recovery.

Earlier this year, a single whistleblower received an award of $279 million under this same SEC program. Two years ago, the CFTC made a similarly ground-breaking award of roughly $200 million under its analogous whistleblower program covering potential violations of the commodities laws.

All in all, these two whistleblower programs have collectively paid more than a billion dollars to hundreds of whistleblowers over the past decade. Under the False Claims Act, the government has paid out substantially more — almost $10 billion over the past 25 years.

Recognizing the critical role whistleblowers play in helping the government uncover fraud and misconduct, Congress has created numerous other whistleblower rewards programs, including those covering tax fraud, auto safety, money laundering, and wildlife protection violations, just to name a few.

It's never about the money

For virtually all whistleblowers, it is never about the money — it is about saying something when they see something that rubs against their moral compass. Especially when the health and welfare of the public is at stake. Most often, whistleblowers only go public after they have tried to remedy the problem internally by raising it with their superiors or their compliance department. Only after they have been rebuffed, often coupled with job-ending retaliation, do they come to us to help them go directly to the authorities. Many of them are not even aware of the potential for monetary rewards. Their primary motivation first and foremost is to correct the problem that, as so many have described it, "keeps them up at night."

People like the auto parts company executive who was concerned his company was selling a defective auto part and reported his concerns to the National Highway Traffic Safety Administration. Or the oil tanker engineer who reported to the Coast Guard that his captain was directing the illegal dumping of oil-based pollutants into US waters. Or the highway safety engineer who reported to the Department of Transportation serious safety issues he saw with our country's highways being perpetrated by a major supplier of highway safety equipment. Or the for-profit college recruiter who reported to the Department of Education recruiting violations he believed his university was engaging in: duping government-subsidized students into enrolling for an empty education with no real career prospects. Or the veteran who reported to the Department of Justice that the company he worked for was lying about its veteran-owned status so it could improperly secure government contracts set aside exclusively for veteran-owned businesses.

It's never about the money.

In none of these cases did the whistleblowers ultimately recover any monetary reward for their strength and courage in stepping up. But in all these cases, they received what was for them an even more important reward. They did not stay silent in the face of fraud or injustice. They alerted the relevant agencies to investigate. And they shined a regulatory light on misconduct that would have otherwise remained in the dark.

Could you, too, be a whistleblower? It's possible. You might not see yourself being played by Julia Roberts in the next Erin Brockovich-style plotline, but, like each of the whistleblowers mentioned above, if you work for a company or a boss behaving badly or stumble upon something that just seems off as you go about your life, you just might one day see something the world needs to know. You, the everyday employee sitting at a desk, might have the power to save a life, prevent a serious accident, avert the next finan-

cial meltdown, or stop an environmental disaster.

Gordon Schnell is a partner at whistleblower law firm Constantine Cannon. Amber Scorah is the founder of Parallel Story, a nonprofit helping whistleblowers tell their stories.

Three Black women whistleblowers who broke silence and caused sweeping reforms

Lexi Coghe and Kailey Monsivais
Whistleblower Network News,
29 February 2024

AS BLACK HISTORY MONTH transitions into Women's History Month, WNN highlights Dr. Toni Savage, Bunny Greenhouse, and Dr. Duane Bonds, whose outspoken whistleblowing activity against corruption led to significant change.

Michael D. Kohn, founding partner of Kohn, Kohn, & Colapinto and the attorney who represented these whistleblowers, says they are "American heroes" and that "[their] courage led to sweeping legal reforms that will forever halt the gross abuse [they] dared to expose."

Dr. Toni Savage

Dr. Tommie ("Toni") Savage's federal employee whistleblower case has stretched on for nearly a decade and a half since she began to experience retaliation for blowing the whistle on systemic contracting fraud within the Army Corps of Engineers. Her case before the Merit Systems Protection Board (MSPB) established the right for federal whistleblowers to pursue hostile work environment claims.

Dr. Savage became a whistleblower shortly after being named to head the Army Corps of Engineers' Huntsville, Alabama contracting office. Savage found rampant government contracting fraud and raised concerns internally to the highest levels of the command, but nothing was done. She then went to the auditing department. The auditing department confirmed all her allegations of contract fraud. Subsequently, they were all corroborated by two high-level Army AR 15-6 investigations.

Toni Savage

Dr. Savage alleged that her whistleblowing caused her workplace to turn hostile. She complained of numerous retaliatory actions (demotion, downgraded performance reviews, failure to issue awards, failure to issue interim evaluations, unrealistic deadlines, and refusal to staff her office, resulting in an overwhelming and unmanageable workload. She was also subjected to racially insensitive remarks). Eventually, Dr. Savage began to suffer debilitating panic attacks when she entered the workplace. She was charged with AWOL (absent without official leave) and permanently removed from federal service when she could no longer return to her work environment.

After years of litigation, a landmark decision emerged when the Board adopted Dr. Savage's argument that the protections under the Whistleblower Protection Act extend to hostile work environment claims. Federal whistleblowers can now raise a hostile work environment claim in defense of a removal action.

In 2017, Dr. Savage spoke on her experience blowing the whistle as a keynote speaker at National Whistleblower Day.

Recently, Dr. Savage filed a new complaint regarding the government's lack of performance under an agreement to pay damages to and issue a formal letter of gratitude for her government service and thanking her for her outstanding performance.

Bunnatine "Bunny" Greenhouse

Bunnatine "Bunny" Greenhouse was the first African American woman to hold a Senior Executive Service position within the U.S. Army Corps of Engineers. She was the Procurement Executive and Principal Assistant Responsible for Contracting (PARC), the highest-ranking contracting official in the Army Corps of Engineers, at the height of the Iraq war. She discovered and exposed government procurement fraud.

Bunny Greenhouse

The U.S. Army gave millions of taxpayer dollars to the Halliburton company through no-bid contracts, costing taxpayers millions of dollars in waste, fraud, and abuse. Though every other Army official joined in on this scheme, Ms. Greenhouse was the only one to protest this. She wrote right on the face of one of Halliburton's contracts and illegally directed contracts to Halliburton subsidiary Kellogg Brown and Root (KBR), which caught the Defense Department officials' attention. However, the same officials steered the contracts to KBR on subsequent contracts, bypassing her authority. Despite warnings from her supervisors, Ms. Greenhouse spoke out and became a whistleblower.

The Defense Department Inspector General investigated Ms. Greenhouse's allegations. As a result of her outspokenness and the public attention on this matter, the government revised the contract to what Ms. Greenhouse initially recommended. In 2007, Ms. Greenhouse testified before the Democratic Policy Committee hearing on the protection of whistleblowers.

After her exposure and testimony, she faced countless acts of retaliation in her work. Due to her high-ranking

position, she couldn't be fired. However, she was demoted and stripped of her security clearance. After her whistleblower lawsuit, someone at her workplace set up a tripwire around her cubicle, and she fell. She sustained permanent knee damage.

The whistleblower case was about the retaliation she faced for speaking out and faced discrimination based on race, gender, and age. In 2011, she agreed to a settlement of $970,000 in full restitution of lost wages, compensatory damages, and attorney fees. This six-year legal battle closed this turbulent chapter in Ms. Greenhouse's life.

Bunnatine "Bunny" Greenhouse put her career on the line to stand up to corruption in the United States Army Corps of Engineers. After almost thirty years with the federal government, Ms. Greenhouse retired soon after her settlement.

In June 2019, Greenhouse was featured in a news documentary on the CBS program *Whistleblower*, available to watch online.

Dr. Duane Bonds

Dr. Duane Bonds served as Deputy Chief of the Sickle Cell Disease Branch of the Division of Blood Diseases and Resources within the National Institutes of Health in 1999. Despite being a distinguished medical researcher, Dr. Bonds experienced sexual harassment from her supervisor. She reported the issue but was subjected to removal from her position and demoted.

However, in this new position, Dr. Bonds made a discovery. She found that blood from African American infants was taken from participants without consent, which was used to duplicate the cells for future studies. She initially raised these concerns internally, but her supervisor retaliated against her by submitting negative performance reviews. This retaliation led to her removal from the project.

Duane Bonds

Dr. Bonds reported this unauthorized cloning to the Office of Special Counsel (OSC). The OSC determined that NIH officials had violated federal law. She continuously experienced discrimination and harassment and was ultimately terminated in 2006, shortly after NIH officials illegally searched her computer and found the complaint to the OSC.

Dr. Bonds filed multiple Equal Employment Opportunity Commission (EEOC) complaints. Her final EEOC complaint was in 2007 before she filed the case with the District Court. In 2011, the U.S. Court of Appeals for the Fourth Circuit ruled in favor of Dr. Bonds in *Bonds v. Leavitt, 629 F.3d 369, 384 (4th Cir. 2011)*, declaring that she had a right to a jury trial for her claims under the Whistleblower Protection Act. The case was subsequently settled.

Conclusion

All whistleblowers face immense pushback and adversity in their commitment to break silence and bring light to wrongdoing. But Black women whistleblowers face unique challenges as the pervasiveness of racism and sexism extend into whistleblower retaliation.

These three whistleblowers' resilience is a testament to their commitment to advocating for justice and ensuring accountability is transparent within the government.

What stops people from standing up for what's right?

Moral courage means standing up for our principles to stop wrongdoing or protect others, despite the risks.
How can we foster it?

Julia Sasse
The Greater Good, 17 January 2024

In 2015, Stanford graduate students Carl-Frederik Arndt and Peter Jonsson (both from Sweden) found Chanel Miller being sexually assaulted while unconscious. As soon as they got a sense that something was not right, the two prioritized the well-being of a stranger over their own safety and convenience. They approached and stopped the perpetrator and, when he tried to escape, held him down until the police arrived at the scene.

By saving Miller and stopping her perpetrator, Arndt and Jonsson showed *moral courage*.

Moral courage is needed when we see that our principles have been violated, social norms were transgressed, or the law was broken. If we act to stop these wrongdoings, despite the risk of backlash, we act morally courageous.

That can involve a range of behaviors. The Swedes acted morally courageous by helping a person in danger. As Miller wrote about the two in her 2019 book, *Know My Name*: "You've taught

us that we all bear responsibility to speak up, wrestle down, make safe, give hope, take action. … We must protect the vulnerable and hold each other accountable. May the world be full of more Carls and Peters."

In other realms, a student can be morally courageous by confronting bullies, speaking up against discriminating behavior, or reporting cheating. And an employee can act morally courageously by making corporate fraud public. The potential backlash to such acts could, for example, be physical attacks or social exclusion by peers. By standing up in defense of their moral principles despite risks, morally courageous individuals can become a protective force for individuals, a catalyst for social change, and an inspiration for others, thereby making a crucial contribution to the greater good.

Against this backdrop, we hope for a society where many people show moral courage. Instead, however, moral courage is relatively rare. We can probably all recall reports of violent fights, sexual harassment, or racist attacks in which no one intervened, or perhaps we have found ourselves in such situations and remained inactive.

Such personal experiences are backed up by research. Studies that assess morally courageous behavior find that only about 20% of participants who witness wrongdoings intervene against them. At the same time, many more people *intend* to intervene. What, then, stops them from putting their intentions into action? If we understand *why* moral courage is rare, we can better find effective ways to promote it. Here are two potential explanations for the rareness of moral courage.

Moral courage can break down at many points

Moral courage involves a complicated internal process—and that very complexity can foil morally courageous actions.

In a 2016 chapter, Anna Halmburger and her colleagues suggest that this process can be broken down into five stages, and at each stage, the process may be interrupted, leading to a lack of morally courageous behavior:

- witnesses need to notice an incident, and
- they need to interpret it as wrongdoing;
- then, witnesses need to assume responsibility, and
- they need to believe they possess effective intervention skills;
- ultimately, witnesses need to decide whether to intervene despite potential risks.

Let's use an example of bullying at school to illustrate the model. Imagine you are a student witnessing classmates pushing another student into a corner. You might instantaneously think this treatment is hurtful and wrong for your classmate. Perhaps seeing someone treated in an unjust way also angers you—or you might see it as playful teasing among friends and find it funny.

If you interpret the treatment as wrong, you might feel responsible for stopping it—or you might think that other classmates or a teacher should handle it. If you assume responsibility, you need to know how to intervene, like calling a teacher or confronting the bullies—but maybe you are unsure how to proceed. Ultimately, you need to believe that intervening can make a difference, even if you fear backlash, like becoming the bullies' next target. As this illustration shows, much can go wrong and hinder moral courage.

In a recent study, we investigated the process of moral courage in a so-called experience-sampling study. Participants reported wrongdoings they observed in their everyday lives over seven days via prompts on their mobile phones. For any wrongdoing reported, participants then answered questions that addressed the different stages of the model of moral courage. Our findings aligned with the model, showing that moral courage was more likely when participants felt *responsible* and *efficacious* but less likely when they perceived the situation as *risky*.

We also wanted to know whether some people are more prone to show moral courage than others due to their *personality*. We found that participants who generally tend to *morally disengage*—that is, to not take their own moral standards all too seriously at times—felt less responsibility and thus showed less moral courage. Conversely, participants who generally believe themselves to be well-equipped to deal with challenges felt more efficacious and thus showed more moral courage. Accordingly, aspects of our personality shape the process of moral courage.

Besides personality, situational factors can affect the different stages of moral courage. For example, often, we could lack essential information about a situation. This makes it difficult to confidently say whether someone's actions are morally wrong. Also, if other people are present, we might be less likely to feel responsible for intervening. A lack of information and the presence of other people can thus be barriers to moral courage.

Taken together, it is essential to understand that moral courage is a complex process and how the process pans out is shaped, to some extent, by our personality and the situation.

It's difficult to see the big picture

When we find ourselves in a situation that requires moral courage, it can sometimes be challenging to see its benefits for the greater good. This can be because some forms of moral courage do not feel exactly agreeable.

For instance, it often requires calling perpetrators out on their wrongdoings or even using physical force to stop them, and confronting others in such ways can feel unpleasant. Also, reporting others' wrongdoings to authorities can feel wrong since it might be seen as *tattling*. This is especially the case if we know the perpetrator, when they are our friends, family, or colleagues.

Consider our example of moral courage in the context of bullying: Calling out classmates or reporting them to a teacher may be all the more difficult because we feel a sense of loyalty toward them. The need to be loyal to those we are close to can

conflict with our goal to stand up for fairness or justice and can hold us back.

When it comes to standing up to others' wrongdoings, anger plays an important role—but that's an emotion we may not readily associate with the greater good. We often think of anger as a negative emotion linked to aggression, but it turns out that it can also be a force for good. Anger is a common reaction to wrongdoings, and it provides us with a strong urge to make things right.

What does that mean for moral courage? In a recent study in which participants — seemingly casually — witnessed the embezzlement of research funds, their prime reaction was anger (rather than, for example, empathy), and the more anger they experienced, the more likely they were to show moral courage. In other words, it seems that anger can spark moral courage. But since anger has a rather bad reputation, we might be tempted to push it down, thereby extinguishing the spark.

Taken together, it is often challenging to show moral courage. But knowing all those things that make it difficult should not discourage us. Instead, we can use this knowledge to develop concrete ideas on how to promote moral courage.

How can we foster moral courage?
Every person can try to become more morally courageous. However, it does not have to be a solitary effort. Instead, institutions such as schools, companies, or social media platforms play a significant role. So, what are concrete recommendations to foster moral courage?

Establish and strengthen social and moral norms With a solid understanding of what we consider right and wrong, it becomes easier to detect wrongdoings. Institutions can facilitate this process by identifying and modeling fundamental values. For example, norms and values expressed by teachers can be important points of reference for children and young adults.

Overcome uncertainty If it is unclear whether someone's behavior is wrong, witnesses should feel comfortable to inquire, for example, by asking other bystanders how they judge the situation or a potential victim whether they are all right.

Contextualize anger In the face of wrongdoings, anger should not be suppressed since it can provide motivational fuel for intervention. Conversely, if someone expresses anger, it should not be diminished as irrational but considered a response to something unjust.

Provide and advertise reporting systems By providing reporting systems, institutions relieve witnesses from the burden of selecting and evaluating individual means of intervention and reduce the need for direct confrontation.

Show social support If witnesses directly confront a perpetrator, others should be motivated to support them to reduce risks.

We see that there are several ways to make moral courage less difficult, but they do require effort from individuals and institutions. Why is that effort worth it? Because if more individuals are willing and able to show moral courage, more wrongdoings would be addressed and rectified—and that could help us to become a more responsible and just society.

Julia Sasse is professor for general psychology and media effects at the Applied University Ansbach and affiliated researcher at the Institute for Ethics in Artificial Intelligence at TUM.

Anatomy of a whistleblowing system

SecureDrop
20 February 2024

In "Future directions for SecureDrop," the SecureDrop team laid out some goals for a redesign of the platform's server architecture. Here, we go into more detail on those goals and describe the design constraints of a whistleblowing system as we see them.

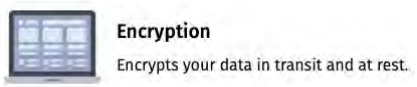
Introduction
SecureDrop and other whistleblowing systems have played an important role in the journalism ecosystem for years. Due to the various privacy and anonymity protections these systems provide, it is impossible to fully assess their impact except for specific cases. However, there has been some research both on the technical and on the usage and impact sides.

"Digital Whistleblowing Platforms in Journalism" (2020) and "Securing Whistleblowing in the Digital Age: SecureDrop and the Changing Journalistic Practices for Source Protection" (2021) are important overviews and good starting points for a more systematic analysis of the ecosystem.

The core of a whistleblowing system
On the technical side, there is no established model for a whistleblowing system, but a common framework of certain properties has emerged.

For instance, in "A Simple and Robust End-to-End Encryption Architecture for Anonymous and Secure Whistleblowing" (2019), the authors identify the four core requirements of a whistleblowing system:

- Anonymity of the whistleblower
- Confidentiality and integrity of the disclosures
- Plausible deniability of the whistleblower
- Authenticity of the receiver



While SecureDrop has very similar goals and priorities, each of these properties must be properly contextualized in each party's threat model.

The anonymity of the whistleblower must be preserved against all parties and in every possible scenario. Even assuming a Tor connection to reach the whistleblowing platform, metadata such as timing information, conversation flows, attachment sizes, or filenames on the server side can still leak information about access and submissions to the system.

Confidentiality and integrity are also a subtle matter, as different cryptographic schemes have different properties. For example, the classical OpenPGP encryption standard does not

support forward or backward secrecy by default. In addition, different parties have different needs. For example, a whistleblower must have plausible deniability, meaning no incriminating traces should be left behind on their machine and assets.

The current on-premises SecureDrop model works

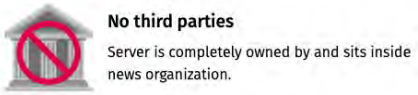
In its current architecture, SecureDrop must be deployed physically on-premises, under the full control and supervision of the adopting newsroom. We do not support third-party hosting and we strongly discourage any outsourcing of both the infrastructure and the administrative tasks. This allows the organizations to fully control and oversee their own SecureDrop server installations, without any external access or telemetry, including by Freedom of the Press Foundation. The reasons behind this are partly technically related to security, as explained in our previous post, and partly because we believe that organizations should be in full control.

This approach encourages safety practices in newsrooms and among journalists, decentralizes the ecosystem (since there is no single server or federation), and strengthens diversity. While the SecureDrop Directory lists instances for organizations we've vetted, we know there are other SecureDrops out there, and SecureDrop itself can be run invisibly and without anyone's permission or knowledge: there is no telemetry and everything is open source. We consider this one of the strongest features of SecureDrop.

A lot of newer technologies, both primitives and fully fledged systems for privacy preserving communications, have been developed and studied. For instance, "A blockchain-based quantum-secure reporting protocol" (2021) proposes a blockchain-based, peer-to-peer protocol for whistleblowing. While we cannot dispute the validity of the protocol itself, we believe blockchain-based and peer-to-peer alternatives fail to satisfy some core requirements. Due to the deniability constraints, we cannot require sources to download dedicated software or store data on their devices. Furthermore, anonymity in a peer-to-peer network is harder to preserve, and the transparency of a blockchain, especially in smaller-scale systems, works against that anonymity property.

We observe similar limitations with decoy-based approaches, such as "A Secure Submission System for Online Whistleblowing Platforms" (2013) and "CoverDrop: Blowing the Whistle Through a News App" (2022).

Nonetheless, we are thankful to every researcher and institution who spent time, effort, and skills in modeling, developing, and publishing such systems. We have learned a lot from every single one and they contribute and deepen the level of our technical understanding.

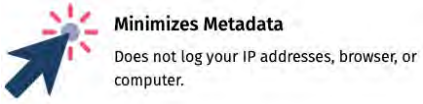


Some constraints are here to stay

As described earlier, we do want to keep the one-server, one-organization model. Our next generation prototypes follow a similar architecture: a server, a journalist app, and a source submission tool.

For the journalist interface, we are in the process of moving away from our current Tails-based air-gapped workflow and focusing our effort on the Qubes OS-based SecureDrop Workstation, which we think is the best way forward for improving usability while maintaining a high degree of security. Furthermore, this architecture allows a more holistic integration of other tools, such as Dangerzone, which is now available natively for Qubes (in beta).

Given the requirement of plausible deniability, we still consider the best option for the source interface to be a web-based interface available only as a Tor Hidden service, accessed via Tor Browser. Tor Browser is a generic and widely used application that has uses other than whistleblowing, and it already has many of the security features we need.

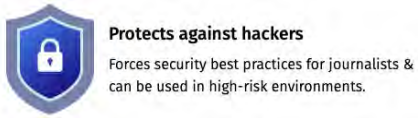


The deniability problem

Deniability poses a major challenge: How can we minimize any traces of SecureDrop on sources' computers? A source should be able to access SecureDrop with one small, memorizable piece of information, so that they don't have to keep a record anywhere that could incriminate them. (For the same reason, we wouldn't want to create a "whistleblower app" or a SecureDrop browser extension — those would be pretty strong evidence that someone is a source!)

Currently, the only thing SecureDrop needs to authenticate sources is a single passphrase, and we want to keep it that way to keep the source experience as simple and consistent as possible. But this presents a technical challenge: to move to modern end-to-end encryption with forward secrecy, SecureDrop would need to generate what are called ephemeral keys. This is only possible with *non-deterministic* keys — that is, with keys that are randomly generated and eventually forgotten. But if the only piece of information being stored per source is their passphrase, then the conditions for creating non-deterministic keys can't be met, since all subsequent encryption keys would be derived from this single seed (in a deterministic way).

We're working on a custom end-to-end–encrypted messaging protocol to satisfy these constraints, about which we'll publish more soon.



To use JavaScript or not to use JavaScript?

The usage of JavaScript for browser-side encryption is a common practice, yet it does not provide the same guarantees a dedicated client can offer. We can mention many use cases of such technologies, both open-source and proprietary, from Whatsapp Web and Protonmail to fully fledged collaboration suites such as CryptPad.

While more end-to-end encryption and privacy are great features, these implementations have a well-known drawback: since the encrypting JavaScript is served by a remote server each time, there is no way to systematically authenticate and perform integrity

checks on such code. In other words, the server hosting the scripts has to be trusted, because it could serve backdoored or altered code that might weaken or leak cryptographic keys, attempt to deanonymize the user, or attempt to exploit the browser. It could do this undetected, even to only a single specific user who could never detect such a compromise on their own, and without leaving any traces behind.

In the context of SecureDrop, the impact on the threat model is even more significant: almost all browser exploits leading to either deanonymization or full code execution rely on JavaScript. We advise users to disable completely JavaScript in Tor Browser, and SecureDrop currently displays a warning when it detects that it is not the case. If SecureDrop used JavaScript-based encryption today, not only would the server still need to be trusted, but in case of a compromise the consequences would be much worse.

We are studying, working, and collaborating with the relevant stakeholders to improve the state-of-the-art on this issue.

Conclusion

Changing SecureDrop's architecture is a complex technical challenge, especially with the goal of allowing deployment in untrusted environments, such as cloud servers. We are actively prototyping solutions to these challenges, and we will release our findings soon for community review, along with more detailed blog posts.

We are thankful to members of the research community who have looked into whistleblowing systems from several angles and to all those who advance the state of privacy-preserving technologies. Please don't hesitate to get in touch (securedrop@freedom.press) if you have questions or feedback.

Lessons learned from 45 years working with whistleblowers

Tom Devine

DURING THE LAST 45 YEARS at Government Accountability Project (GAP), I have had the honor to formally or informally help over 8,000 whistleblowers, and have been on the front lines to pass 38 whistleblower laws from the local to international. That has given me time to make a lot of mistakes and learn many lessons on what it takes to turn whistleblowing rights on paper into a reality that makes a difference without incurring martyrdom in the process. Whistleblowing is the highest stakes, most significant expression of free speech. So, I'd like to share a dozen priority lessons learned that are summarized below.

1. Nothing is more powerful than the truth.

Individuals have used freedom of speech to challenge abuses of power and change the course of history since the birth of organized society. This impact has increased dramatically, however, with the whistleblower rights movement, which has created the opportunity to share the truth with legal rights against retaliation. Consider these examples of the truth leading to change, mostly from our clients:

• increasing U.S. government recoveries against fraud in government contracts from an average of $10 million annually to almost two billion dollars, mainly due to whistleblower lawsuits under the False Claims Act;

• forcing the resignation of all European Commission members due to systematic procurement bribery;

• ending the practice of blanket domestic surveillance of private citizens by nations ranging from the United States to North Macedonia;

• preventing the respected U.S. Agency for Global Media, home of Radio Free Europe, Radio Free Asia and other networks, from purging legitimate reporters and turning it into a propaganda agency.

• ending the practice of accusing foreign visitors of drug smuggling without evidence and detaining them incommunicado for four days while being subject to hospital tests; shrinking the detention time frame time to two hours.

• ending the practice of mass, involuntary hysterectomies on detained, hospitalized immigrant women;

• removing dangerous drugs from the market such as Vioxx, which caused over 40,000 fatal heart attacks in the United States, almost as many as Americans who died in the Vietnam War but from a prescription drug the government had officially decreed as safe;

• exposing false testing that ranges from life-threatening design defects throughout manufacturing to medical diagnoses;

• five times blocking the U.S. Department of Agriculture from replacing government inspection of government-approved food with corporate honor systems;

• sparking a national milk testing program after exposing that 80% of commercial milk was contaminated with illegal animal drugs;

• ending the political censorship of scientific research on climate change, so that societies can begin seriously addressing the planet's greatest challenge;

• stopping nuclear power safety violations that could have caused disastrous accidents (*see* the Netflix documentary *Meltdown*);

• forcing the removal of incinerators in poor neighborhoods that officially were only disposing of safe materials, but actually were burning dioxin, heavy metals, lead, arsenic and other poisons;

• preventing a more ambitious 2006 Al Queda rerun of 9/11 that would have targeted capitals globally; and

• reducing American casualties in Iraq and Afghanistan by land mines from 60% to 10%, by freeing up delivery of effective land-resistant vehicles delayed 1.5 years due to corruption.

This list could continue extensively from United States examples and be mirrored throughout the world. The point should be clear, however. Whistleblowers now are making a difference more than ever before.

2. Whistleblowing is a life's crossroads decision.

The decision whether to blow the whistle means resolving deeply embedded, valid but conflicting values for a decision that at least means risking one's professional life. Consistently

whistleblowers have told me they had to take a stand to be true to themselves and to live with themselves. Whatever the outcome, for better or worse, their lives will never be the same.

3. Whistleblowers have the right to make a fully informed decision.
Because of the risks, my first duty with would-be whistleblowers is to try and talk them out of it. I explain that it's not to avoid helping them, but so they can make a fully informed decision about what they're getting into. They must know the type of retaliation they risk with different options. They need to weigh the impact on family or defendants to resolve conflicting values. Then they can choose how much retaliation to risk for how much impact. If they don't want to be passive, they can decide whether to make an anonymous hotline disclosure, or choose the range of options up to going public.

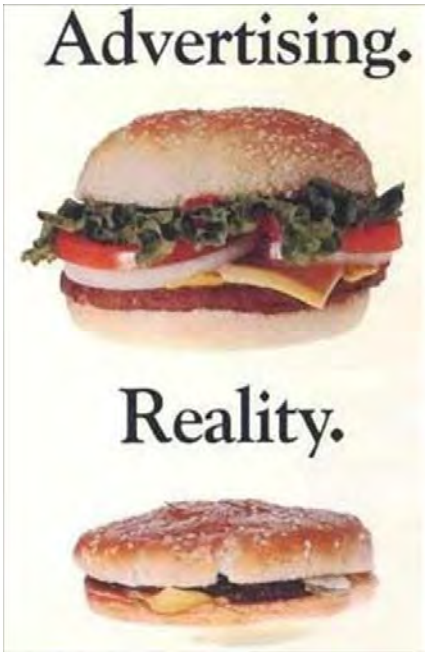
4. Whistleblowers must finish what they start.
It is not just about whistleblowers' right to know. They must make a firm commitment to finish what they start. If they quit in the middle, it would have been better to remain silent. The abuses of power will be stronger for having survived their challenge. Further, the organization they expose will try to make an example by destroying them for trying to challenge their authority. Admiral Rickover, the founder of America's nuclear navy, observed that if you have to choose between sinning against God or the bureaucracy, choose God. Neither will ever forget, but God may forgive you.

5. Emotional support is as significant as legal rights.
Stress due to uncertainty and consequences from a life's crossroads is intense and inevitable. The internal pressure can be as severe as the eternal threats from an employer or its lawyers. I have had clients who withdrew their cases or fired me despite us winning every legal battle. They simply cracked under the pressure after I had failed to give them the necessary emotional support. Those who help whistleblowers should be aware they are in a professionally intimate relationship, and not just like impersonal surgeons for legal operations. We should guide them to necessary counseling or therapy so they can make it through an inherently traumatic life cycle. As a result, whistleblower laws should include professional emotional support as a temporary and permanent remedy. In the United States, Whistleblowers of America's exclusive mission is helping whistleblowers cope with emotional stress and pain from retaliation.

6. Cynicism has a greater chilling effect than retaliation.
Almost every study has confirmed that fear of retaliation is only the number two reason why would-be whistleblowers remain silent observers. Consistently, the most severe chilling effect is their belief that it wouldn't make a difference. That makes sense, as most citizens are brave enough to risk their lives for their country. However, in the absence of neurosis, there must be a point to risk professional death. As a result, rights must fully enfranchise the whistleblower to participate in the work following up for timely resolution of their initial disclosures. They will have confidence in the process if they receive status reports, have an opportunity to rebut denials, have access to the investigative file, and have an opportunity to comment on the report or resolution before the results are made public along with the whistleblower's comments.

7. Solidarity is the magic word for whistleblowers to maximize results and minimize retaliation. Turning rights into reality requires a cultural, not just legal, revolution.
Isolation is the fatal word. If all a whistleblower has is strong evidence and solid legal rights, I advise them they're in big trouble. It takes solidarity from the family to survive emotionally. Solidarity from peers to have supporting witnesses and obtain evidence. Solidarity from enforcement agencies so concerns are taken seriously and acted on by those with authority. Solidarity from the public so that there is a political base to challenge the abuse of power. That is why at GAP we don't limit ourselves to legal cases. They are legal campaigns for the truth. We play information matchmaker so that all the stakeholders in society know how they have been betrayed by the abuse. When that happens, the balance of power shifts. Instead of a corrupt organization surrounding the isolated whistleblower, society is surrounding the corrupt organization. In my experience, if we win the legal campaign it is inevitable to win the case. While this is primarily a lesson for advocates, whistleblower laws must be transparent about their results in defeating abuses of power, so the public knows how these rights benefit their own lives.

8. There's been a legal revolution for whistleblower rights but beware of false advertising.



Whistleblower laws are like free speech shields. If you go into battle with a metal shield, it is dangerous but you have a fighting chance to live. If you fight with a cardboard shield, no matter how impressive it appears you're going to die. The U.S. passed the first national whistleblower law in 1978, and now over 50 countries have enacted them at least for government workers. Over 100 for specific sectors in societies, such as health care. GAP and the International Bar Association compared whistleblower laws enacted through 2018 with global standards for best practices, both for rights on paper and in reality. Some are cardboard shields that only provide so-called rights for blowing the whistle to the same offices guilty of wrongdoing, or with rules so rigged to rubber stamp virtually any retaliation a whistleblower challenges. The minimum cornerstones for credible protection are (1) rights for all legal or natural persons

to make disclosures supported by a reasonable belief of illegality and other abuses of power to all affected by it; (2) fair rules of the game for what it takes to legally prove retaliation; (3) credible options for defense, from informal investigations to due process for a genuine day in court; and (4) remedies for those who prevail that neutralize all the direct and indirect effects of retaliation, including accountability through liability for those who engaged in it.

A foundation principle is that the rights cover all communications of protected information, without regard to formality, context or audience. For example, there cannot be loopholes if the whistleblower communicates evidence of misconduct in a meeting or as part of job duties like investigators or auditors, rather than through a formal allegation. Those communications are the lifeblood for organizational checks and balances and are the overwhelming contexts where protected information is shared. If rights are limited to official reports in formal procedures, whistleblower laws will only protect the tip and ignore the iceberg for communications where accurate information is needed most.

9. No one gets it right the first time, so passing a law is just the first step in an endless process to turn into reality.

Passing a whistleblower law is the first step in a marathon journey. Abuses of power are almost an instinct, and those who rely on retaliation are not going to give up because a law is passed. There will be unforeseen problems, and mistakes will be made despite the best intentions. The tactics to harass are limited only by the imagination, and bullies will search for and find ways to circumvent rights. There will be a relentless, never-ending counterattack to gut the law through legal challenges and hostile interpretations. In the US, we are on our fourth generation of the Whistleblower Protection Act and fighting hard for a fifth.

10. Channels are the most significant development to strengthen rights or turn whistleblower laws into traps.

The European Union Whistleblower Directive drew on precedents from nations like Serbia to institutionalize a new paradigm for rights: mandatory establishment of whistleblower channels in all significant public or private organizations. This is an extremely high-stakes, high-risk development for whistleblowers. Channels can be a breakthrough that institutionalizes awareness of and respect for whistleblower rights in all organizations. They also can be a trap through which bad faith organizations learn in advance of potential threats and take preemptive strikes to kill the messenger before the truth gets out. In addition to conflicts of interest, channels can be very dangerous for those who staff them and face retaliation for properly performing their duties to support whistleblowers.

The keys for legitimate channels are (1) organizational independence; (2) ban of institutional or personal conflicts of interest; (3) reporting directly to the organizational chief; (4) staffing by full-time personnel trained in whistleblower rights and relevant national laws; 4) adequate resources and access to information; and (5) protection from retaliation. They should have status as protection facilitators, so that all their job duties working with whistleblowers are protected activity that is shielded against retaliation.

11. Whistleblowers need skilled navigators to effectively exercise and enforce their rights.

Whistleblowers undertake a journey through a treacherous terrain that is packed with land mines. It is not fair that they will know and understand all the rules, procedures and standards. Laws designed to guide them to a safe destination are confusing. So they need trustworthy counsel to navigate them through the territory. Whistleblower laws must include resources for education, training and counseling on how to act on their rights, as well as access to legal aid and attorney fees for those who prove violations. Otherwise, whistleblowers will be unable to understand or afford their rights.

12. Whistleblowers need an advance escape plan before they risk retaliation, because you can't go home again.

Whistleblowers who win legal victories can receive vindication and financial relief. However, while there are exceptions as a rule it is not realistic to go back to work for a boss or organization you just defeated in a lawsuit. Further, the International Bar Association/GAP study found that only 20% of whistleblowers globally win decisions on the merits when challenging violations. As a result, those helping would-be whistleblowers should advise them to have a plan in place for a fresh start before they risk exposing themselves to ugly attacks on their competence and credibility. One approach is to line up a new job and resign, and then first get a new employer's consent to expose the misconduct before acting. While anonymous whistleblowers may not need this extreme option, they should have a backup plan in place in case they are exposed.

Whistleblowers with different names are timeless, as is retaliation. However, the legal revolution for their rights can be a global paradigm shift both for freedom and accountability. That can only happen if we learn and act on the lessons inevitable from mistakes, growing pains and counterattacks connected with pioneer laws institutionalizing these rights.

Drawn from and expanding on presentations to the 1–2 November 2023 CEELI Institute conference in Prague, *Ringing the Bell: Protecting Whistleblowers in Central and Eastern Europe*; and the 6 December 2023 Slovakia Whistleblower Protection Office conference in Bratislava, *Whistleblowing in Europe from Directive to Action.*

Tom Devine

Whistleblowers Australia contacts

Postal address PO Box U129, Wollongong NSW 2500
Website http://www.whistleblowers.org.au/
Facebook https://www.facebook.com/Whistleblowers-Australia-Inc-172621456093012/

Members of the national committee
http://www.bmartin.cc/dissent/contacts/au_wba/committee.html

Previous issues of *The Whistle*
https://www.bmartin.cc/dissent/contacts/au_wba/whistle.html

New South Wales contact Cynthia Kardell, phone 02 9484 6895, ckardell@iprimus.com.au

Wollongong contact Brian Martin, phone 02 4228 7860.
Website http://www.bmartin.cc/dissent/

Queensland contact Feliks Perera, phone 0410 260 440, feliksfrommarcoola@gmail.com

Queensland Whistleblowers Action Group
Website http://www.whistleblowersqld.com.au
Secretary: Greg McMahon, phone 07 3378 7232

The Whistle
Editor: Brian Martin, bmartin@uow.edu.au
Phone 02 4228 7860
Address: PO Box U129, Wollongong NSW 2500
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Have we reached peak hypocrisy?

When the Australian government prosecutes whistleblowers, it's hard to believe any of the politician-speak promising protection. Is the government approaching maximum hypocrisy? For relief, turn to Juice Media and see a no-holds-barred takedown.

This video has been viewed over half a million times. It's cutting through. But can satire embarrass the government? Perhaps nothing can. We can only hope.

Whistleblowers Australia membership

Membership of WBA involves an annual fee of $25, payable to Whistleblowers Australia. Membership includes an annual subscription to *The Whistle*, and members receive discounts to seminars, invitations to briefings/ discussion groups, plus input into policy and submissions.

To subscribe to *The Whistle* but not join WBA, the annual subscription fee is $25.

The activities of Whistleblowers Australia depend entirely on voluntary work by members and supporters. We value your ideas, time, expertise and involvement. Whistleblowers Australia is funded almost entirely from membership fees, donations and bequests.

Renewing members can make your payment in one of these ways.

1. Pay Whistleblowers Australia Inc by online deposit to NAB Coolum Beach BSB 084 620 Account Number 69841 4626. Use your surname/membership as the reference.

2. Post a cheque made out to Whistleblowers Australia Inc with your name to the Secretary, WBA, PO Box 458 Sydney Markets, Sydney, NSW 2129

3. Pay by credit card using PayPal to account name wba@whistleblowers.org.au. Use your surname/membership as the reference.

New members: http://www.bmartin.cc/dissent/contacts/au_wba/membership.html